IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5895 of 1998

For Approval and Signature:

Hon'ble ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NAVSARJAN TRUST

Versus

STATE OF GUJARAT

Appearance:

MR BHUSHAN B OZA for Petitioners

RULE SERVED for Respondent No. 1, 8

MR JAYANT PATEL for Respondent No. 7

CORAM : ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and

MR.JUSTICE P.B.MAJMUDAR

Date of decision: 21/01/2000

ORAL JUDGEMENT

#. By way of this Public Interest Litigation the petitioners seek a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ or order or direction in terms para 13 of the petition which reads as under:

The petitioners, therefore, respectfully prays; that

(a) This Honourable Court may kindly be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate writ, order or direction directing the respondents, their agents and servants to:

(i) to take appropriate action against those responsible for committing atrocities ion the Dalits in Devalia (Chakkargadh) village of Amreli.

(ii) to provide adequate and effective protection to the Dalits in Devalia (Chakkargadh) village and to protect their right to life.

(iii) to direct the respondent no.1 to provide the Dalits alternative employment till normalcy is restored in Devalia (Chakkargadh) village.

(iv) to direct the responsible state authorities to provide adequate and exemplary compensation to the victims of boycott residing in Vankarvas of Devalia (Chakkargadh) village for depriving item of their basic needs like potable water resulting into denial of their right to life.

(v) Pending admission, hearing and final disposal of this Petition, this Honourable Court may kindly be pleased to appoint a Commission consisting of two social workers belonging to a non-Governmental organisation and a lawyer of this Honourable Court to assess the situation in the Devalia (Chakkagadh)village and submit a report to this Honourble Court.

(vi) Pending admission hearing and final disposal of this petition, the relief work abruptly discontinued by Respondent no.1 may kindly be restarted forthwith.

(vii) To restore the water supply to the Vankarvas of Devalia (Chakkaragah) village of

Amreli, pending admission, hearing and final disposal of this petition."

#. Rule was issued on the petition on 28.1.1999. The matter was thereafter taken up for final hearing from time to time. Affidavits and counter affidavits were filed. Civil Application No.15520 of 1999 was also moved. Along with the application, proceedings of National Human Rights Commission, New Delhi dated October 22,1999 have been annexed.

#. It is submitted by Mr. H.M.Mehta for Mr.Oza that after in-depth study of the problem and considering several aspects, the Commission issued certain directions to the State Government. The relevant part and clauses read as under:

" The Commission has, accordingly, bestowed deep and anxious consideration to the magnitude of the problems caused by the boycott by the dominant Patel community people against the dalits denying item freedom of action to eke out livelihood; prevented supply of the basic necessities of life to the dalits, and violated the basic human rights of the dalits. The District Administration failed to protect the human rights of the Dalits. The Commission is, therefore, of the considered view that the pendency of a writ petition in the High Court does not prevent the Commission to relieve the dalits of distress as also giving appropriate directions to the State Government and to the District Administration to protect the human rights of the dalits, and to prevent discrimination meted out to the dalits. So, the Commission directs the State Government of Gujarat and the District Administration , Amreli to ensure economic empowerment of the dalits as indicated below:

(1) As enjoined in Article 39(b) of the Constitution the District Collector and District Magistrate, Amreli shall ensure delivery of physical possession of the lands to all the remaining 12 dalits to whom pattas were given, as stated by the Committee constituted by the High Court of Gujarat.

(2) Grant pattas of any other land available in the village Devalia and within the jurisdiction of the Gram Panchayat, Devalia to

such appropriate extent as is economical for cultivation as per the rules in vogue. If necessary, the District Collector may organise a cooperative farming society composed of the dalits; eldest male members of the families to whom the lands have been allotted as its member, etc.

(3) Organise loan facilities to the youth to set up self employment schemes or small scale industries and facilitate their working.

(4) Evolve any other suitable scheme or schemes for economic empowerment of the dalits, keeping in mind the total raw-materials necessary to produce and market the finished products.

(5) The State Government and the District Administration should pay ex gratia compensation to all dalit families at the rates varying between Rs 30,000/- to Rs. 50,000/- per family, depending upon the intensity of the sufferings to which the members of each family were subjected. The sum of Rs. 6,000/- already paid to four dalits may be given credit from the total payment.

(6) The District Administration may ensure supply of drinking water and all other essential commodities at controlled prices through fair-price shops to the dalits without break.

(7) Continue to provide Police protection till the law and order situation comes to normalcy.

(8) Police are directed to meticulously prosecute the case made against the offenders.

(9) Such other schemes as are expedient may be considered.

(10) The Special Rapporteur of the Commission Shri Nampoothiri may be associated with the implementation of the above directions and implementation of the schemes, if any.

The action taken report be directed to be submitted within four weeks. The complaint is, accordingly ordered."

#. In the facts and circumstances of the case in our opinion, appropriate direction to be issued in this petition is that the respondent authorities should consider the above report and take appropriate decision considering the facts and circumstances in the light of the report of the National Human Rights Commission. Liberty to apply in case of difficulties.

Rule is made absolute to the above extent. No order as to costs. No order on CA.

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